

REMARKS

In accordance with the foregoing, claims 1, 4, 6, 11, 18, 23, 30, 31, 38, 39, and 40 have been amended. Claims 1-40 are pending and under consideration. No new matter is included in the present amendment.

The Rejection:

At page 3 of the Office Action, claims 1-40 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,570,340 to Lee et al. Independent claims 1, 6, 11, 18, 23, 30, 31, 38, 39, and 40 have been amended as set forth above to distinguish Lee et al. Dependent claims 2-5, 7-10, 12-17, 19-22 24-29 and 32-37 are deemed to be patentable at least for similar reasons set forth above regarding the independent claims from which the respective dependent claims depend. It is respectfully requested that the rejection be withdrawn.

Rebuttal to Examiner's Response to Arguments:

Beginning at page 2 of the Office Action, the Examiner includes a response to arguments, wherein the Examiner asserts in three different paragraphs that "applicant argues that Lee et al. fails to disclose, teach or fairly suggest the following limitation." The Examiner's characterization of Applicant's argument is highly erroneous and indicates that the Examiner may be applying the rejections under 35 U.S.C. §103(a) while stating that the applicable law is 35 U.S.C. §102(b). Nowhere in Applicant's amendment of May 24, 2005 are the terms "teach or fairly suggest" found. This language is language that would be appropriate for responding to a 35 U.S.C. §103(a) rejection. The language actually used by applicant is: "Anticipation requires a disclosure in a single prior art reference of each feature recited in the claim, arranged as in the claim." It is respectfully requested that the Final Rejection be withdrawn and that the Examiner reconsider the claims applying only the anticipation requirements of 35 U.S.C. 102(b) or stating on the record that the rejection is in fact made under 35 U.S.C. §103(a).

Amendment of Claim 4:

Claim 4 is amended to correct a dependency error. Appropriate antecedent basis for "the predetermined information" recited in claim 4 is included in claim 3.

Conclusion:

It is respectfully requested that this amendment be entered as the amended claims either place the application in condition for allowance or better form for appeal.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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